IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:11CR266				
	Plaintiff,)		
	vs.) DETENTION ORDER		
TE	RRENCE MOORE,))		
	Defendant.	<i>)</i>)		
A.	After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on August 16, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	of 18 U.S.C. § 922(a)(1) years imprisonment; the of 21 U.S.C. § 841(a)(1) maximum sentence of two parts of tw	nd includes the following: e offense charged: rms without a license (Count I) in violation (A) carries a maximum sentence of five distribution of "crack" cocaine in violation I) (Counts II, III and V) each carry a enty years imprisonment. violence.		
	may affect wheth The defendant hat X The defendant hat X The defendant hat The defendant is The defendant of ties. Past conduct of to X The defendant hat	of the defendant including: ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community. the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at		

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(b)	Pro	of the current arrest, the defendant was on: bation
		ole ease pending trial, sentence, appeal or completion of tence.
(c)		rs: e defendant is an illegal alien and is subject to cortation.
	The	e defendant is a legal alien and will be subject to portation if convicted.
	The (BIC	e Bureau of Immigration and Custom Enforcement CE) has placed a detainer with the U.S. Marshal. er:
release testimo separa	e are as follo ony of ATF ate sales of fir	seriousness of the danger posed by the defendant's lows: The nature of the charges in the Indictment. The SA Donald Mann regarding the defendant's SEVEN rearms including an assault-type rifle and FIVE separate caine during a two-month period of time in 2011.
X (5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relie		
on the	following r	rebuttable presumption(s) contained in 18 U.S.C. § Court finds the defendant has not rebutted:
<u>X</u> (a) `	That no co	ndition or combination of conditions will reasonably
		ppearance of the defendant as required and the safety person and the community because the Court finds that
	the crime in	
		A crime of violence; or
	(2)	An offense for which the maximum penalty is life imprisonment or death; or
	<u>X</u> (3)	A controlled substance violation which has a maximum
	<u></u>	penalty of 10 years or more; or
	(4)	A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for
		one of the crimes mentioned in (1) through (3) above
		which is less than five years old and which was
	-	committed while the defendant was on pretrial release.
		indition or combination of conditions will reasonably appearance of the defendant as required and the safety
		nunity because the Court finds that there is probable
	cause to bel	
	X (1)	That the defendant has committed a controlled
		substance violation which has a maximum penalty of 10 years or more.
	(2)	That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and
		in relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous
		weapon or device).

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 17, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge